

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Caprathe *et al.*

Serial No.: 09/674,812

Filing Date: 06 November 2000

Filing Date of International Application: 30 April 1999

For: *Succinamide Inhibitors of Interleukin-1 β Converting Enzyme*

Attorney Docket No.: BBI-5060CPUS

Group Art Unit: *Not Yet Assigned*

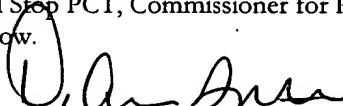
Examiner: *Not Yet Assigned*

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18 August 2003
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By 
DeAnn F. Smith
Reg. No.: 36,683
Attorney for Applicants

REQUEST FOR RECONSIDERATION OF RENEWED PETITION TO REVIVE
AN ABANDONED APPLICATION PURSUANT TO 37 CFR 1.137(b)

Dear Sir:

It is respectfully requested that the Decision on Petition, dated 19 March 2003, issued in the above-identified application be reconsidered, and that the application be revived from abandonment. In support of this request for reconsideration, Applicants file concurrently herewith a petition in compliance with §1.182 in accordance with MPEP 605.04(c) to amend the inventor's name. It is respectfully submitted that the entire delay

in filing the response until the filing of this petition was unintentional and the present petition is being filed within one year of the date of abandonment.

On 30 April 1999, applicants filed international application no. PCT/US99/09463 which claimed a priority date of 05 May 1998. A Demand was filed with the International Preliminary Examination Authority prior to the 19th month from the earliest claimed priority date. As a result, the deadline for payment of the basic national fee was to expire 30 months from the priority date, or at midnight on 06 November 2000 (05 November 2000 was a Sunday).

On 06 November 2000, applicants filed a Transmittal Letter for entry into the national stage accompanied, *inter alia*, by: the requisite basic national fee and a copy of the international application.

On 19 December 2000, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) along with a surcharge for providing the oath or declaration later than 30 months from the priority date was required. The notification set a one (1) month period for response. The notification was mailed to the attorney of record listed on the 06 November 2000 Transmittal Letter.

On 04 September 2001, applicants filed: Status Inquiry Letter; Notification of Change of Mailing; Notification of Change of Attorney Docket Number; copy of Revocation of Prior Powers of Attorney and Appointment of New Power of Attorney; and a Return Postcard. The Return Postcard indicated this was received on 04 September 2001 by the PTO.

On 11 September 2001, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO909) indicating that the application was abandoned for failure to file a complete response to the Notification of Missing Requirements mailed 19 December 2000 within the time period set therein. The Notification of Abandonment was mailed to the attorney of record listed on the 06 November 2000 Transmittal Letter.

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On 21 December 2001, applicants filed "Request for Withdrawal of Notification of Abandonment" which was treated as a petition under 37 CFR 1.181. Applicant's petition was dismissed without prejudice in a decision dated 08 February 2002.

On 21 May 2002, applicants filed "Petition to Revive an Abandoned Application Pursuant to 37 CFR 1.137(b)." The petition was dismissed in a decision dated 08 July 2002 because the declaration was defective pursuant to 37 CFR 1.497.

On 08 November 2002, applicants filed the present renewed petition under 37 CFR 1.137(b).

Applicants respectfully submit that the defects in the declaration have been corrected by the submission of an affidavit explaining the inventor Kristen Michele Knapp Lin's name change, submitted herewith. Furthermore, a petition under 37 CFR §1.182 in accordance with MPEP 605.04(c) is also filed herewith.

The surcharge of \$130.00 in compliance with 37 CFR §1.492(e) and the appropriate petition fee pursuant to 37 CFR §1.17(m) were filed on 21 May 2002 with the original Petition to Revive filed on even date. Applicants respectfully request reconsideration on the merits of this petition. Please charge any additional fees required for this response or credit any overpayments to our Deposit Account No. 12-0080. A duplicate of this document is enclosed.

Respectfully submitted,



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Dated: 18 August 2003